

Express Mail Label No. EV 453253047 US

REMARKS

Upon entry of this Amendment B, claims 34 and 46-77 are currently pending and under consideration. Claims 1-33 were cancelled by this amendment; in canceling this subject matter from this application, applicants expressly reserve the right to pursue the remaining subject matter through one or more continuation applications. Claims 35-45 were previously cancelled by Amendment A.

Status of Pending Claims

The Examiner has indicated that claims 34 and 57-77 are allowable. Claims 46-56, however, depend from claim 34 and thus incorporate all the requirements thereof. Consequently, applicant submits that claims 46-56 should be allowable and requests that the Office reconsider the status of these claims.

Rejections Based on 35 U.S.C. §112, First Paragraph

Applicant respectfully requests reconsideration of the rejection of claims 1-33 and 46-56 under 35 U.S.C. §112, first paragraph as being non-enabled for containing subject matter that is not described in such a way as to enable one skilled in the art to which it pertains, or to which it is most nearly connected, to make and/or use the invention. In particular, the Examiner contends that the claimed compounds do not have the experimental data to support the claimed utilities which inhibit all kinds of tumors in the art. Claims 1-33 were cancelled by this Amendment B and thus this rejection is moot with respect to these claims. As discussed above, applicant believes claims 46-56 are allowable as dependent from an allowed base claim, claim 34. Claim 34 is directed to a method preparing a pharmaceutical composition and does not recite the "inhibiting tumor growth" language that forms the basis for the Office's rejection of claims 1-33.

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Claims of Co-pending Application No. 11/082,380

In the interests of full disclosure, applicant hereby advises the Office that co-pending application no. 11/082,380 contains claims identical to those of allowed claims 57-77 (see claims 15-35). Claims 57-77 were originally cancelled from the pending application by Examiner's Amendment dated November 23, 2004. The claims were then re-filed in co-pending application no. 11/082,380 as claims 15-35. Based on a conversation with Examiner Trinh, however, the Examiner's Amendment was withdrawn along with the allowance in the pending case. To remedy the situation, claims 15-35 will be cancelled from pending application no. 11/082,380.

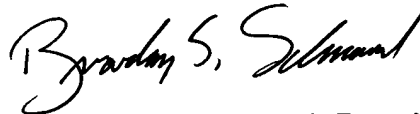
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CONCLUSION

In light of the foregoing, applicants request entry of the claim amendment and withdrawal of all claim rejections, and solicit an allowance of the claims. The Examiner is invited to contact the undersigned attorney should any issue remain unresolved.

The Commissioner is hereby authorized to charge any under payment or credit any over payment to Deposit Account No. 19-1345.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bradley S. Schammel". The signature is fluid and cursive, with the first name "Bradley" and last name "Schammel" clearly distinguishable.

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